

## **REMARKS**

Claims 11-17 are pending in the application. Claims 11, 15, and 16 are in independent form, and have been amended hereby. Favorable reconsideration is requested.

Reconsideration is respectfully requested of the rejection of Claims 11-17 under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,434,134 (“La Porta”). Applicant amends independent Claims 11, 15, and 16 in a good faith effort to clarify the invention as distinguished from the cited reference, and respectfully traverses the rejection.

Independent Claims 11, 15, and 16 have been amended to emphasize a salient feature of the present invention where the third base station transmits information without forming a diversity transmission relationship with the first and second base stations, while the first and second base stations transmit the information in a diversity transmission manner.

The cited portions of La Porta only include description of a generic home agent technique wherein the home agent tunnels packets to a care-of address of a foreign domain when a mobile terminal moves to a point of attachment at the foreign domain. Thus, such portions of La Porta only include description of a home agent forwarding packets to a foreign domain, and, therefore, fail to teach or suggest diversity transmission, in particular, the first and second base stations transmitting data in a diversity transmission manner, and the third base station transmitting data in a non-diversity transmission manner with the first and second base stations, as recited in amended independent Claim 11, and similarly in amended independent Claims 15 and 16.

Accordingly, it is respectfully submitted that amended independent Claims 11, 15, and 16, and the claims depending therefrom, are not anticipated by La Porta.

In view of the amendments and remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any

reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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